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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,480	11/09/2001	Harald Bauer	2000DE435	9765

25255 7590 03/10/2004

CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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CHARLOTTE, NC 28205

EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/039,480

Applicant(s)

BAUER ET AL.

Examiner

Charles I Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/02/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-6, 11-13, 16-23, 26, and 28-30 are objected to because of the following informalities: Claim 23 refers to a laundry detergent which is a dishwashing detergent. Claims 4-6, 11-13, 16-22, 26, and 28-30 all contain the language "at least one of claims 1." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, requiring only a composition containing SKS-6 and an acidic compound, the examiner maintains that a thorough search is impossible. SKS-6 and acidic compounds such as citric acid and polyacrylates are among the most common builders known in the art, present in at

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least hundreds of detergent compositions. The examiner has taken into consideration the present invention as a whole, in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, would likely not be successful in rendering those claims allowable.

2. Claims 1-9, 11-24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuta et al, US 5,919,747.

Kazuta et al teach granular laundry detergents comprising layered silicate and sodium polyacrylate (col. 28, example III) wherein the granules have a particle size between 100 and 2000 microns (col. 3, lines 24-27). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the granules being formed by a compaction and grinding process, where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA).

Claims 1-9, 11-24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Agar et al, US 5,691,296.

Agar et al teach granular laundry detergents comprising layered silicate and acrylic/maleic copolymer (col. 13, example I). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the granules being formed by a compaction and grinding process, where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA).

Claims 1-9, 11-24, and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramanan et al, US 6,288,016.

Ramanan et al teach granular laundry detergents comprising Na SKS-6 and acrylic/maleic copolymer wherein the granules are prepared via compaction and grinding (col. 14, example 5). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-9, 11-24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkinson et al, US 5,698,510.

Wilkinson et al teach granular laundry detergents comprising SKS-6 and citric acid wherein the granules are ground to a particle size of 600 microns and are prepared

via compaction and grinding (col. 19, lines 60-66). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-9, 11-24, 26, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Baillely et al, US 5,540,855.

Baillely et al teach granular laundry detergents comprising SKS-6 and citric acid wherein the granules are ground to a particle size of 600 microns and are prepared via compaction and grinding (col. 21, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-9 and 11-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer et al, US 6,506,722.

Bauer et al teach granular detergents comprising SKS-6 and citric acid wherein the granules are compacted and ground to a particle size of between 500 and 1000 microns (col. 11, examples 18 and 29). Note that these particles are pressed into tablets, and said tablets may contain as much as 95% of the granules (col. 15, claim 7). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-9 and 11-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Littau, US 6,395,694.

Littau teaches granular detergents comprising SKS-6 and citric acid wherein the granules are ground to a particle size of between 300 and 1800 microns and are prepared via compaction and grinding (col. 7, example 1 and col. 4, lines 1-12). Note that these particles are pressed into tablets, and these compositions may contain as much as 80% builders (col. 4, line 50 and col. 6, line 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al, US 6,506,722 in view of Gill et al, US 5,614,160.

4. Bauer et al are relied upon as set forth above. Bauer et al do not specifically teach a crystalline silicate with sulfuric acid, however, it is known in the art to prepare these silicate with sulfuric acid to obtain a builder with superior building properties (see col. 2, lines 35-60 and col. 18, table 14 of Gill et al). Accordingly, it would have been obvious to one of ordinary skill in the art to prepare the composition of Bauer et al with

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an acid treated builder according to Gill et al and so meet the limitations of the claims at hand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer  
Primary Examiner  
Art Unit 1751